

Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2685
Confirmation No.: 5697

REMARKS

Claims 1-22, 24-28, 30-33, 35-38, and 40-56 are pending upon entry of the foregoing amendments.

REVIVAL OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

On Oct. 18, 2004, Applicant submitted a Request for Continued Examination (RCE) in the present application along with an Information Disclosure Statement (IDS). Per 37 CFR §1.114(a), an RCE must be accompanied by "a submission," the definition of which does not include an IDS. Consequently, the present application became abandoned upon the expiration of the period for filing an appeal brief subsequent to Applicant's Notice of Appeal, filed Aug. 20, 2004.

Applicants now petition the Office to revive the present application under 37 CFR §1.137(b). The present RCE and Preliminary Amendment are intended to fulfill the requirement of 37 CFR §1.137(b)(1). Included with this Preliminary Amendment is authorization to charge the petition fee of \$1500 per 37 CFR §1.17(m) to Deposit Account No. 23-0804, per 37 CFR §1.137(b)(2). Finally, per 37 CFR §1.137(b)(3), Applicant states that the entire delay in filing the present Preliminary Amendment from the due date until the filing date of the present grantable petition was

-18-

WRINGARTEN, SCHUINGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2685
Confirmation No.: 5697

unintentional. No terminal disclaimer per 37 CFR \$1.137(b)(4) is believed to be required.

REQUEST FOR CONTINUED EXAMINATION

Applicant submits herewith a Request for Continued Examination per 37 CFR 1.114. The present Preliminary Amendment is intended to serve as the requisite "submission" per 37 CFR \$1.114(a). Included with this Preliminary Amendment is authorization to charge the RCE fee of \$790 per 37 CFR \$1.17(e) to Deposit Account No. 23-0804.

PRELIMINARY AMENDMENT

Following the Final Office Action dated May 20, 2004, claims 1-56 stood rejected under 35 USC \$102(e) as being anticipated by U.S. Pat. No. 6,047,179 to Kirby. Applicant has amended claims 1-4, 7, 12-15, 21, 24, 26, 28, 30, 32-33, 35, 37-38, 40-43, and 46-56. Claims 23, 29, 34, and 39 are canceled without prejudice.

U.S. PAT. NO. 6,047,179 (KIRBY)

Kirby discloses an Inter-Message Translator (IMT), which by its very name describes its (distinguishable) functionality.

"The present invention obtains information from a wireless network with respect to a specific wireless

-19-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 461-0313

Application No. 09/449,001

Filed: November 24, 1999

TC Art Unit: 2685

Confirmation No.: 5697

unit. If necessary, the information may be translated from the protocol used by that wireless network or by an element of that wireless network, such as the debit platform of that wireless network."

(Kirby, col. 4, ll. 57-63; emphasis supplied).

If the data is in a protocol particular to the visited wireless network or to an element of the visited wireless network such as the visited debit platform ("visitor's protocol"), that is, if the data is provided in a computer language, application or format particular to the visited wireless network or to the visited debit platform, then the translator may translate the data from the visitor's protocol as necessary.

(Id., col. 5, ll. 20-27; emphasis supplied).

Generally, the present invention includes a method for exchanging information relating to a specific wireless unit between a visited wireless network where the unit is roaming and the home wireless network of the unit. ... The data is formatted into a standard inter-network communications message. The data may be translated from the visitor's protocol. The data then may be formatted into the standard inter-network communications message, which is transmitted to an element of the home wireless network.

(Id., col. 5, ll. 52-65; emphasis supplied).

[O]ne function of the translator 30 is to receive the data regarding the wireless unit from an associated debit platform 26, to translate, if necessary, the data from the visitor's protocol, to format the data into a standard inter-network communications message, and then to transmit this standard inter-network communications message with the data for further routing to another wireless network.

In this example, another function of the translator 30 may be to receive responsive information and to pass

-20-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 09/449,001

Filed: November 24, 1999

TC Art Unit: 2685

Confirmation No.: 5697

it to an associated debit platform 26. In particular, the translator 30 may receive a standard inter-network communication response message that includes authorization information from another wireless network. Upon receipt, the translator 30 may extract the authorization information from the standard inter-network communications response message. If appropriate, the translator may translate the authorization information into the visitor's protocol. Then, the translator may provide the authorization information to an associated debit platform 26.

(Id., col. 14, ll. 44-63; emphasis supplied).

These translator application(s) preferably handle the formatting or translation of data or information as appropriate between network elements. For example, these translator application(s) 130 may translate data from the protocol of a debit platform and format the data into a standard inter-network communications message for further routing to another network.

(Id., col. 17, ll. 46-52; emphasis supplied).

Kirby is replete with other similar citations; it is believed these fully exemplify the functionality disclosed by the translators of Kirby. The fundamental functions provided are data extraction, data packaging, and data translation. Switching functionality is also suggested in certain embodiments though that is irrelevant to the present analysis.

Significantly, what the translators of Kirby do not perform is selective modification of the data handled thereby. In other words, the translators of Kirby are capable of recognizing that

Application No. 09/449,001

Filed: November 24, 1999

TC Art Unit: 2685

Confirmation No.: 5697

data must be reformatted prior to transmission, but do not function to alter the underlying data itself based upon characteristics associated with the destination of the data or any based upon any other criteria.

CLAIM 1

Claim 1 of the present application, as amended, recites a location register capable of collecting a requested subscriber profile, making a determination as to whether a prepaid platform is associated with the market of the serving mobile switching center, and:

"selectively modifying the requested and collected subscriber profile based on whether a prepaid platform is associated with the respective market of the serving mobile switching center, ... where the selective modification of the requested and collected subscriber profile by the location register is for enabling the serving mobile switching center to employ the prepaid platform associated with the respective market and thereby to enable the provision of prepaid services to the roaming subscriber."

Unlike Kirby, the claimed system requires a location register to selectively modify the underlying data involved based upon parameters associated with the market of the serving mobile switching center, not simply on the basis of the required data format as taught by Kirby.

-22-

WEINGARTEN, SCHURGIN,
GAGNERIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 09/449,001

Filed: November 24, 1999

TC Art Unit: 2685

Confirmation No.: 5697

CLAIM 12

Claim 12 recites a system for processing calls from a subscriber. A location register is claimed as being capable of determining whether a prepaid platform is associated with a respective market for a mobile switching center, and selectively modifying the requested and accessed subscriber profile on the basis of whether a prepaid platform is associated with the respective market of the mobile switching center, where the selective modification enables the mobile switching center to employ the prepaid platform associated with the respective market.

Consequently, claim 12 recites a system which modifies data based upon the configuration of a destination of the data, the modification ultimately altering the functionality of the elements receiving the data. The translator of Kirby provides no similar capability.

CLAIMS 21, 28, 33, AND 43

Claims 21, 28, 33, and 43 provide methods for processing calls from a subscriber. A subscriber profile is selectively modified on the basis of whether a prepaid platform is associated with the respective market of a serving mobile switching center. Once again, the present claims pertain to selective data

-23-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBDOVICI LLP
TEL. (617) 542-2290
FAX. (617) 491-0313

Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2685
Confirmation No.: 5697

modification, not simply translating or reformatting, as taught by Kirby.

CLAIMS 38 AND 51

These claims recite processor programs for processing calls (claim 38) and for routing a call (claim 51). Both require a determination as to whether a prepaid platform is associated with a market of a serving mobile switching center. Based upon this determination, a profile associated with a subscriber associated with the call is modified, the modification ultimately effecting the routing of the call.

Kirby provides no disclosure of the alteration of data on the basis of the configuration of a destination network or system whereby the routing of a call is affected.

DEPENDENT CLAIMS

The remaining claims which were not specifically addressed in the foregoing remarks are also believed to be allowable over Kirby at least on the basis of being dependent from allowable base claims. Other distinctions are also believed to exist, the elucidation of which is not believed to be necessary in view of the foregoing.

-24-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 461-0313

Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2685
Confirmation No.: 5697

CONCLUSION

In view of the foregoing amendments and remarks, the Examiner is requested to reconsider the rejections and allow the claims. If a telephone conference would be of use in forwarding the present application towards allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

PAUL SENN ET AL.

By: 

Gordon R. Moriarty
Registration No. 38,973
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

325713

-25-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313